

City of Annapolis

Alcoholic Beverage Control Board

November 3, 2010

The Regular Meeting of the Alcoholic Beverage Control Board for the City of Annapolis was held on November 3, 2010 in the City Council Chamber. Chair Leonard Berman called the meeting to order at 7:10 p.m.

Present: Chair Leonard Berman, Vice Chair Lawrence Harris, Jr., Members Elizabeth Finkle, Sean O'Neill

Staff: Assistant City Attorney Gary Elson

Member Finkle moved to approve the Journal of Proceedings of October 6, 2010. Seconded. CARRIED on voice vote.

DISCIPLINARY HEARINGS

• RESTAURANT SERRANO

Violation of TG 5-302, Possession of untaxed alcoholic beverages

Violation of Article 2B 12-107, Purchased other than a licensed wholesaler

Violation of Article 2B 14-201, Records Violation

Violation of BR 17-1603, Conducting Business without a Restaurant License

The charges were not disputed by the establishment.

Agent James Olienyk presented the case for the State of Maryland Comptroller's Office.

Infraction Citation No. 183, Sales to underaged persons

The charges were not disputed by the establishment.

Corporal Justin Lynam presented the case for the City of Annapolis. Community Service Officer Holmes and Detective Reid from the Annapolis Police Department were present.

John Giannetti, Jr., attorney for the licensees, 410 Rowe Blvd. Annapolis, Maryland 21401 presented the case on behalf of the licensees.

Licensee, Alberto Serrano was present.

Restaurant Manager, Walter Vasquez was also present and answered questions addressed by the Board.

Licensees, Zoila Romero and Gonzalo Fernandez were not present.

Server, Marisol Lemus was not present.

- **ACME BAR & GRILL**

Infraction Citation No. 067, Sales to underaged persons

The charges were disputed by the establishment.

Corporal Justin Lynam presented the case for the City of Annapolis. Community Service Officer Holmes and Detective Reid from the Annapolis Police Department were present.

Samuel J. Brown, attorney for the licensees, Hillman Brown & Darrow, P.A., 221 Duke of Gloucester Street, Annapolis, Maryland 21401, presented the case on behalf of the licensees.

Licensees, Joan Murphy, Kevin Epley and John Crabtree were present and answered questions addressed by the Board.

Bartender, William Travis was present and answered questions addressed by the Board.

- **AQUA TERRA OF ANNAPOLIS**

Infraction Citation No. 059, Sales to underaged persons

The charges were not disputed by the establishment.

Corporal Justin Lynam, Community Service Officer Holmes and Detective Reid from the Annapolis Police Department were present.

Joseph Laumann, attorney for the licensees, 1160 Spa Road, Suite 3C, Annapolis, Maryland 21403 on behalf of the licensees waived their right to hear charges read by Corporal Justin Lynam and presented the case to the Board.

Chair Berman entered into the record the following:

Exhibit # 1. Aqua Terra Server Manual

Exhibit # 2. Photos of I.D. Sign Postings

Licensees, Alexandra M. Fotos and Kenneth D. Chase were present and answered questions addressed by the Board.

Server, Maggie Lee Lively was not present.

- **CARPACCIO TUSCAN GRILLE**

Infraction Citation No. 061, Sales to underaged persons

The charges were not disputed by the establishment.

Corporal Justin Lynam, Community Service Officer Holmes and Detective Reid from the Annapolis Police Department were present.

Nicholas J. Kallis, attorney for the licensees, 90 Cathedral Street, Annapolis, Maryland 21401, on behalf of the licensees waived their right to hear charges read by Corporal Justin Lynam and presented the case to the Board.

Chair Berman entered into the record the following:

Exhibit # 1. Tips Certifications for current employees

Licensees, Theresa Jeanne Schatzle, Michele Nichole Sokoloff and John Edward Zeasar, III were present.

Server, Kevin Douglas Andrews was present.

- **CARROL'S CREEK CAFÉ**

Infraction Citation No. 193, Sales to underaged persons

The charges were not disputed by the establishment.

Corporal Justin Lynam, Community Service Officer Holmes and Detective Reid from the Annapolis Police Department were present.

Anthony F. Christhilf, attorney for the licensees, 150 South Street, Annapolis, Maryland 21404 on behalf of the licensees waived their right to hear charges read by Corporal Justin Lynam and presented the case to the Board.

Licensee, Margaret C. Cross was present.

Jeffery Jacobs, restaurant manager for Carrol's Creek was also present and answered questions addressed by the Board.

Server, Alexandre Bogden Butnanu was present.

- **CRUSH WINE HOUSE**

Infraction Citation No. 192, Sales to underaged persons

The charges were disputed by the establishment.

Corporal Justin Lynam, Community Service Officer Holmes and Detective Reid from the Annapolis Police Department were present.

Robert J. Laggini, on behalf of the licensees waived their right to hear charges presented by Corporal Justin Lynam.

Licensees, Bonnie Anne Finlay and Robert J. Laggini were present and answered questions addressed by the Board.

Licensee, Janet A. Besanceney was not present.

Server, Jacquelyn Irene Corgery was not present.

- **JOSS CAFÉ & SUSHI BAR**

Infraction Citation No. 194, Sales to underaged persons

The charges were not disputed by the establishment.

Corporal Justin Lynam, Community Service Officer Holmes and Detective Reid from the Annapolis Police Department were present.

Jerome I. Feldman, attorney for the licensees, 900 Bestgate Road, Annapolis, Maryland 21401 on behalf of the licensees waived their right to hear charges read by Corporal Justin Lynam and presented the case to the Board.

Licensees, Joseph Shyue Hae Jiau and Jane Yu Chen Jiau were present.

Licensee, Camilla Schwarz was not present.

Server, Cynthia Dear Forgue was present.

- **PAROLE LIQUORS**

Infraction Citation No. 025, Sales to underaged persons

The charges were not disputed by the establishment.

Corporal Justin Lynam, Community Service Officer Holmes and Detective Reid from the Annapolis Police Department were present.

Mike Kim, store manager for Parole Liquors on behalf of the licensees waived their right to hear charges read by Corporal Justin Lynam.

Chair Berman entered into the record the following:

Exhibit # 1. Sample Document of Employer Indemnification Agreement

Licensees, David L. Smith and Yun D. Kim were present.

Licensee, Kyu Hwang Pak was not present.

Server, Kon Hyok Lee was not present.

- **RISTORANTE PICCOLA ROMA**

Infraction Citation No. 060, Sales to underaged persons

The charges were not disputed by the establishment.

Corporal Justin Lynam, Community Service Officer Holmes and Detective Reid from the Annapolis Police Department were present.

Marc Lucas on behalf of the licensees waived their right to hear charges presented by Corporal Justin Lynam.

Licensee, Marc Lucas and Maureen Lucas were present and answered questions addressed by the Board.

Server, Aneesa Nadeen Emamdee was not present.

- **RUTH'S CHRIS STEAK HOUSE**

Infraction Citation No. 058, Sales to underaged persons

The charges were not disputed by the establishment.

Corporal Justin Lynam, Community Service Officer Holmes and Detective Reid from the Annapolis Police Department were present.

Ely Hurwitz, principal member of Ruth's Chris Steak House, on behalf of the licensees waived their right to hear charges read by Corporal Justin Lynam.

Chair Berman entered into the record the following:

Exhibit # 1. Responsible Alcohol Service Certifications for current employees

Licensees, William D. Heim and Steve F. DeCastro were present and answered questions addressed by the Board.

Server, Kenneth Burnley Hayes was present.

- **WINE CELLARS OF ANNAPOLIS**

Infraction Citation No. 023, Sales to underaged persons

The charges were not disputed by the establishment.

Corporal Justin Lynam, Community Service Officer Holmes and Detective Reid from the Annapolis Police Department were present.

Jerome I. Feldman, attorney for the licensees, 900 Bestgate Road, Annapolis, Maryland 21401 on behalf of the licensees waived their right to hear charges read by Corporal Justin Lynam and presented the case to the Board.

Licensees, Nicolas Roper and Patrick Bouculat were present and answered questions addressed by the Board.

Server, Curt Elroy Stevens was present.

Chair Berman declared the disciplinary hearing closed.

ACTION ON DISCIPLINARY HEARING

- **RESTAURANT SERRANO**

Violation of TG 5-302, Possession of untaxed alcoholic beverages

Violation of Article 2B 12-107, Purchased other than a licensed wholesaler

Violation of Article 2B 14-201, Records Violation

Violation of BR 17-1603, Conducting Business without a Restaurant License

Following a discussion, the Board decided to merge Violations TG 5-302, 2B 12-107, 2B 14-201 as one Violation TG 5-302 for the purpose of imposing a penalty.

Violation BR 17-1603 was dismissed, licensees cured the violation prior to the hearing.

Member Harris moved that the facts for possession of untaxed alcoholic beverages presented at the hearing on November 3, 2010 warrant a violation as charged. Seconded. CARRIED on voice vote.

Member O'Neill moved to impose a sanction for this violation of a three day suspension to be enforced on November 18, 19 and 20, 2010. Seconded. CARRIED on voice vote.

Infraction Citation No. 183, Sales to underaged persons

Member Harris moved that the facts for sales to underaged persons presented at the hearing on November 3, 2010 warrant a violation as charged. Seconded. CARRIED on voice vote.

Member O'Neill moved to impose a fine for this violation of \$1,000 dollars due and payable by 4:00 p.m., Friday, December 3, 2010 Seconded. CARRIED on voice vote.

- **ACME BAR & GRILL**

Infraction Citation No. 067, Sales to underaged persons

Vice Chair Berman moved that the facts presented at the hearing on November 3, 2010 did not warrant a violation as charged. Seconded. CARRIED on voice vote.

Member Harris moved to dismiss imposing either fine or sanction for this violation. Seconded. CARRIED on voice vote.

- **AQUA TERRA OF ANNAPOLIS**

Infraction Citation No. 059, Sales to underaged persons

Member Harris moved that the facts presented at the hearing on November 3, 2010 warrant a violation as charged. Seconded. CARRIED on voice vote.

Member Harris moved to impose a fine for this violation of \$500 due and payable by 4:00 p.m., Friday, December 3, 2010 Seconded. CARRIED on voice vote.

- **CARPACCIO TUSCAN GRILLE**

Infraction Citation No. 061, Sales to underaged persons

Member Harris moved that the facts presented at the hearing on November 3, 2010 warrant a violation as charged. Seconded. CARRIED on voice vote.

Member Finkle moved to impose a fine for this violation of \$ 500 due and payable by 4:00 p.m., Friday, December 3, 2010 Seconded. CARRIED on voice vote.

- **CARROL'S CREEK CAFÉ**

Infraction Citation No. 193, Sales to underaged persons

Member Harris moved that the facts presented at the hearing on November 3, 2010 warrant a violation as charged. Seconded. CARRIED on voice vote.

Member O'Neill moved to impose a fine for this violation of \$500 due and payable by 4:00 p.m., Friday, December 3, 2010 Seconded. CARRIED on voice vote.

- **CRUSH WINE HOUSE**

Infraction Citation No. 192, Sales to underaged persons

Member Harris moved that the facts presented at the hearing on November 3, 2010 warrant a violation as charged. Seconded. CARRIED on voice vote.

Member Harris moved to impose a fine for this violation of \$500 due and payable by 4:00 p.m., Friday, December 3, 2010 Seconded. CARRIED on voice vote.

- **JOSS CAFÉ & SUSHI BAR**

Infraction Citation No. 194, Sales to underaged persons

Member Harris moved that the facts presented at the hearing on November 3, 2010 warrant a violation as charged. Seconded. CARRIED on voice vote.

Member Harris moved to impose a fine for this violation of \$750 due and payable by 4:00 p.m., Friday, December 3, 2010 Seconded. CARRIED on voice vote.

- **PAROLE LIQUORS**

Infraction Citation No. 025, Sales to underaged persons

Member Harris moved that the facts presented at the hearing on November 3, 2010

warrant a violation as charged. Seconded. CARRIED on voice vote.

Member Harris moved to impose a fine for this violation of \$750 due and payable by 4:00 p.m., Friday, December 3, 2010 Seconded. CARRIED on voice vote.

- **RISTORANTE PICCOLA ROMA**

Infraction Citation No. 060, Sales to underaged persons

Member Harris moved that the facts presented at the hearing on November 3, 2010 warrant a violation as charged. Seconded. CARRIED on voice vote.

Member Finkle moved to impose a fine for this violation of \$500 due and payable by 4:00 p.m., Friday, December 3, 2010 Seconded. CARRIED on voice vote.

- **RUTH'S CHRIS STEAK HOUSE**

Infraction Citation No. 058, Sales to underaged persons

Member O'Neill moved that the facts presented at the hearing on November 3, 2010 warrant a violation as charged. Seconded. CARRIED on voice vote.

Member O'Neill moved to impose a fine for this violation of \$500 due and payable by 4:00 p.m., Friday, December 3, 2010 Seconded. CARRIED on voice vote.

- **WINE CELLARS OF ANNAPOLIS**

Infraction Citation No. 023, Sales to underaged persons

Member Harris moved that the facts presented at the hearing on November 3, 2010 warrant a violation as charged. Seconded. CARRIED on voice vote.

Member Harris moved to impose a fine for this violation of \$750 due and payable by 4:00 p.m., Friday, December 3, 2010 Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting adjourned at 9:45 p.m.

Theresa Bucalo
Deputy City Clerk